

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)
STEVEN W. BERNSTEIN,) Case No. 14-65054-MGD
Debtor.) Chapter 7

STEVEN W. BERNSTEIN,)
Plaintiff.)
v.) ADV. PROC. NO. 14-05306
WELLS FARGO BANK, N.A.,)
FEDERAL HOME LOAN)
MORTGAGE CORPORATION, and)
DOES, 1-5,)

Defendants.)

**DEFENDANTS WELLS FARGO BANK, N.A. AND FEDERAL HOME LOAN
MORTGAGE CORPORATION'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

COME NOW Defendants Wells Fargo Bank, N.A. ("Wells Fargo") and Federal Home Loan Mortgage Corporation ("Freddie Mac") (collectively "Defendants"), and move this honorable Court to dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(5) and (6), which is made applicable through Fed. R. Bankr. P. 7012(b). This motion is based on the allegations and relief requested in Plaintiff's Complaint [Doc. No. 1], Defendants' supporting brief, and all other pleadings and matters of record.

WHEREFORE, the Defendants respectfully request that the Court grant this motion, dismiss Plaintiff's Complaint with prejudice, and tax Plaintiff with all costs.

Respectfully submitted, this 27th day of October, 2014.

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| <p>BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C. Monarch Plaza, Suite 1600 3414 Peachtree Road, N.E. Atlanta, Georgia 30326 Phone: (404) 577-6000 Facsimile: (404) 221-6501 smichalove@bakerdonelson.com dhoward@bakerdonelson.com dmoores@bakerdonelson.com</p> | <p>/s/ <u>Scott H. Michalove</u> Scott H. Michalove Georgia Bar No. 504016 Dylan W. Howard Georgia Bar No. 370267 Daniel P. Moore Georgia Bar No. 940480 <i>Attorneys for Wells Fargo Bank, N.A., and Federal Home Loan Mortgage Corporation</i></p> |
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CERTIFICATE OF SERVICE

This will certify service of a copy of the foregoing **DEFENDANT WELLS FARGO BANK, N.A. AND FEDERAL HOME LOAN MORTGAGE CORPORATION'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT** by first-class United States mail, postage prepaid, upon the following persons and entities at the addresses stated:

Steven W. Bernstein, *pro se*
1428 Valley View Road
Dunwoody, Georgia 30338

This 27th day of October, 2014.

/s/ Scott H. Michalove
Scott H. Michalove
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